THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.22679 OF 1995

DATED: 01-02-2007

Between:

M.P. Giddanna and others

.. Petitioners

and

District Rural Development Agency represented by its Chairman and Collector, Kurnool and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.22679 OF 1995

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in orally terminating the services of the petitioners with effect from 01-10-1995, as arbitrary and illegal; and consequently to direct the respondents to reinstate the petitioners, regularize their services and put them in the time scale of pay attached to the respective posts, which they were holding from the date of their initial appointment.

It appears, the petitioners are working in various capacities in the 1st respondent-Agency and they have been appointed in the year 1992 except the 5th petitioner. The 5th petitioner was appointed in the year 1983 itself. While so, their services were terminated orally with effect from 01-10-1995 without giving any notice or without paying any compensation in lieu thereof. Hence, the writ petition.

There is no necessity of going into all the details. While admitting the writ petition, this Court, by an order dated 10-10-1995 in W.P.M.P.No.27878 of 1995, directed the respondents to reinstate and continue the petitioners in service on the same terms and conditions as were obtaining on the date of oral termination, pending further orders. In view of the same, the petitioners are continuing in service as of now. Thereafter, by an order

dated 22-08-1996 in W.P.M.P.No.18327 of 1996, the respondents were further directed to pay the minimum time scale of pay attached to the posts that were held by the petitioners. However, on filing a vacate petition in W.V.M.P.No.2849 of 1996, by an order dated 29-11-1996, the order dated 22-08-1996 was modified as under:-

> "In the circumstances, the direction to pay minimum time scale of pay attached to the posts held by the petitioners shall be confined only to such petitioners who are occupying or holding the post which is already existing. But, if there are no existing posts in which the petitioners can be fitted and posts need to be created for that purpose, respondents are directed that as long as the services of the petitioners is being taken, they shall be continued to be paid the daily wages calculated at the rate not less than the minimum wages under the Minimum Wages Act as applicable to the posts or duties being performed by the petitioners 1 to 4 and 6. Such petitioners shall not be entitled for payment of equal wages so long as there are no posts existing in the respondent organization. However, if there are vacant posts available and the petitioners can be fitted in those posts, they would be entitled to be paid the minimum time scale of pay attached to the post subject, however, to the result of the above writ petition. The difference in salary can be determined and appropriate directions in that behalf can be passed in the writ petition at the time of final hearing.

Insofar as Respondent No.5 is

concerned, the respondents are taking steps for considering his case separately for regularization of his services and therefore the interim directions granted by this Court on 22.08.1996 are made absolute insofar as Respondent No.5 is concerned."

Further, the petitioners also filed another writ petition being W.P.No.5129 of 2002 seeking minimum wages as per the directions of this Court in the above W.V.M.P. During the pendency of the said writ petition, the respondents have implemented the orders and the petitioners are put on minimum wages. Therefore, the said writ petition was withdrawn.

In view of the above, the only issue that requires to be determined is as to whether the petitioners are entitled for regularization of their services in view of their long service rendered in the 1st respondent-Agency before filing the writ petition and after filing the writ petition till date.

The learned counsel for the petitioners asserted that number of sanctioned posts are available in the 1st respondent-Agency in which the petitioners are entitled to be absorbed.

In view of the above, without expressing any opinion on merits as to the regularization of the services of the petitioners, the respondents are directed to consider the case of the petitioners for their regularization/absorption in

the existing or in future vacancies, if they are otherwise eligible. Till such time, their services shall not be disturbed and continued on the same terms and conditions as of now.

With the above directions, the writ petition is disposed of. No costs.

C.V. RAMULU, J

1st February, 2007.

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